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FACSIMILE MESSAGE

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NAME	Gary Chapman Hoge	FACSIMILE NO.	1 571 273 8300
COMPANY	U.S. Patent & Trademark Office	TELEPHONE NO.	

FROM: Andrew J. Heinisch

DATE: August 30, 2005

REQUESTED BY Angie Locke
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Applicant Initiated Interview Request Form

Application No.: 10/689,283 First Named Applicant: Thomas E. Valiulis
Examiner: Gary Chapman Hoge Art Unit: 3611 Status of Application: FINAL

Tentative Participants:

(1) Andrew J. Heinisch (2) Gary Chapman Hoge
(3) _____ (4) _____

Proposed Date of Interview: _____ Proposed Time: _____ AM

Type of Interview Requested:

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☒ NO

If yes, provide brief description: _____

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Issues To Be Discussed

Issues (Rej., Obj., etc.)	Claims/ Fig.#s	Prior Art	Discussed	Agreed	Not Agreed
(1) Obviousness Rejections	<u>1, 6, 12</u>	<u>Gebka</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Continuation Sheet Attached

Brief Description of Arguments to be Presented:

Applicant is hopeful that appeal can be averted in this matter or issues clarified for appeal and as such is requesting an Examiner interview at this time to discuss certain issues raised in the Final Office Action dated August 11, 2005 as follows:

1. The Examiner indicates at page 6 of the Office Action that he does not need to articulate the motivation or reason why a worker could rearrange the components in a single prior art reference, due to a 1930 legal precedent. However, more recent controlling legal precedent has held: "The mere fact that a worker in the art could rearrange the parts of the reference device to meet the terms of the claims on appeal is not by itself sufficient to support a finding of obviousness. The prior art must provide a motivation or reason for the worker in the art, without the benefit of the appellant's specification, to make the necessary changes in the reference device." *Ex parte* Chicago Rawhide Manufacturing Company, 223 USPQ 351, 353(Bd. Pat. App. & Int. 1984). (See also MPEP 2143 regarding the basic requirements for a prima facie case of obviousness). Applicant would like to confer with the Examiner whether it is indeed his position that he does not need to articulate any motivation or suggestion in the relevant art in view of this more recent case law precedent.

2. Applicant would also like to discuss whether a plastic material PVC falls under the definition of the noun version of an "adhesive." Applicant has set forth examples of suitable adhesives at paragraph 22, page 4. While the Examiner did find the definition for the word "tacky," Applicant's claim limitation is adhesive and Applicant is aware of no "noun" definition of adhesive which encompasses the polyvinylchloride of Gebka. Applicant would like to discuss this issue with the Examiner as applied to claims 6 and 12.

MM1231501AJH:ADL 08/30/05

An interview was conducted on the above-identified application on _____.

NOTE:

This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.


(Applicant/Applicant's Representative Signature)

(Examiner/SPE Signature)

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 and select option 2.